(24)

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

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**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.**

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**WRIT PETITION NO.2404 OF 2006**

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| **PETITIONERS** | 1. | Puranik Ram Verma, S/o Ghasi, Age 59 Yrs. |
| | 2. | Padumnath Patel, S/o Sadhu, Age 52 Yrs |
| | 3. | Mahetru Ram Verma, S/o Rameshar, Age 47 Yrs. |
| | | All resident of Vill: Devsundara, The: Pallari, Distt: Raipur (CG) |
| | Vs. | |
| **RESPONDENTS** | 1. | State of Chhattisgarh Through: Secretary, Deptt. Of Revenue, Mantralaya, DKS Bhavan, Raipur (CG) |
| | 2. | Tehsildar, The: Pallari, Distt: Raipur |
| | 3. | SDM, Balodabazaar, Distt: Raipur |
| | 4. | Balaji Mandir Trust, Dudhadhari Math, Raipur, Through *Prabandhak*, Collector, Raipur |
| | 5. | Dayaram Sahu, S/o Panchram Sahu, Age Not Known, Vill: Devsundara, The: Pallari, Distt: Raipur. |

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**Present :** Mr. Raja Sharma, learned counsel for the petitioners.

Mr. Utkarsha Verma, learned Dy. Govt. Advocate for the State.

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**ORAL ORDER**

(Passed on 15th June 2006)

The grievance of the petitioners, in brief, is that they are the owners of the lane comprising PC No.4, Village Devsundara, Tahsil Palari, District Raipur. The petitioners complain that the fifth respondent high-handedly and without any manner of right or interest has constructed a house over water-course obstructing the water course to the lands of the

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petitioners. So alleging, the petitioners have prayed for the following reliefs:

"Relief Sought:

The petitioners pray that Hon'ble Court be pleased to issue appropriate writ and:-

a. Direct the State authorities to remove the illegal construction put by R - % over the public water course thereby obstructing the only course available to take the water for irrigation to the lands of petitioners and persons alike.

b. Direct the respondent No.2 to take immediate steps under Section 131 of the CG Land Revenue Code, 1959.

c. Direct the respondent No.2 to check the illegal diversion of land use done by respondent No.5 and to restore the land to its original use as public water course.

d. Direct the respondent No.3 to proceed under Sec.133 of Cr.P.C. for removal of public nuisance caused by respondent No.5 by obstructing the water course.

e. Any other relief in the facts and circumstances of the case with costs".

Although the above reliefs sought in the writ petition, at the time of hearing, learned counsel for the petitioners would restrict the relief for issuance of a direction to respondent No.2 to consider and dispose of the application of the petitioners dated 30/12/2004.

(2) Having heard learned counsel for the parties, I dispose of the writ petition directing the Tahsildar, Tahsil Pallari, district Raipur to consider and dispose of the above application of the petitioners, if not already done, within a period of one month from the date of receipt of a copy of this order. No costs.

Sd/-
Chief Justice

Brajesh.